



***Miami-Dade County Board of County Commissioners***

***Office of the Commission Auditor***

**Legislative Analysis**

**Intergovernmental, Recreation and Cultural  
Affairs Committee**

Wednesday, May 11, 2005  
9:30 AM  
Commission Chamber

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Commission Auditor

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**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Analysis**

**Intergovernmental, Recreation & Cultural Affairs Committee  
Meeting Agenda  
May 11, 2005**

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

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| 2(A) |
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If you require further analysis of these or any other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

Acknowledgements--Analyses prepared by:  
Doug Pile, Legislative Analyst

## LEGISLATIVE ANALYSIS

*ORDINANCE AMENDING SECTION 26-33 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO THE PROGRAMMING PARTNERSHIP PROGRAM; IMPOSING IDENTIFICATION REQUIREMENTS AND REQUIRING PROOF OF LEGAL IMMIGRANT STATUS ON PERSONS VOLUNTEERING AND WORKING FOR PROGRAMMING PARTNERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE*

Commissioner Javier D. Souto

### I. SUMMARY

U.S. employers must check to make sure all employees, regardless of citizenship or national origin, are allowed to work in the United States. Certain persons may need a work permit to prove they are authorized work in the United States, and certain persons are excepted from needing a work permit.

This ordinance provides that all Programming Partner staff must show proof of legal immigrant status and an official work permit. It also provides that Programming Partner staff and permanent volunteer coaches must wear photo identification while on County property and when in direct contact with program participants.

### II. PRESENT SITUATION

Programming Partners. This program provides a vehicle for the Park and Recreation Department to build collaborative relationships with Programming Partners through a process that fosters quality, equity and diversity in recreational and cultural programming opportunities, while ensuring that both the County and its Partners are accountable for the stewardship of County Park and Recreation Facilities. Programming Partners are not-for-profit program service providers that are selected by the Department to provide programs in County Park and Recreation Facilities. (See Chapter 26, Article II of the Code, Programming Partner Program, and Administration Order 3-36)

According to the Park and Recreation Department, most Programming Partner organizations are volunteer organizations for youth-oriented activities at County parks.

Work Permit. U.S. employers must check to make sure all employees, regardless of citizenship or national origin, are allowed to work in the United States. Certain persons may need a work permit (known as an Employment Authorization Document or EAD, from the U.S. Citizenship and Immigration Services Bureau of the Department of Homeland Security) to prove they are authorized work in the United States. There are exceptions to the work permit requirement, listed in section 8 CFR 274a.12(b), including

- U.S. citizens do not need a work permit.
- Lawful permanent residents or conditional permanent residents do not need a work permit. Their Alien Registration Card proves that the person may work in the United States.

**May 11, 2005**

- Persons who are authorized to work for a specific employer, such as a foreign government, do not need a work permit. Their passport and Form I-94 (Arrival-Departure Record) prove that the person may work in the United States.

### **III. POLICY CHANGE AND IMPLICATION**

This ordinance provides that:

- All Programming Partner staff must show proof of legal immigrant status and an official work permit.
- The programming Partner shall keep the records of background checks (already required of staff and volunteers with direct contact with program participants), proof of immigration status, and records of work permits.
- Programming Partner staff and permanent volunteer coaches must wear photo identification while on County property and when in direct contact with program participants.

### **IV. ECONOMIC IMPACT**

None.

### **V. COMMENTS AND QUESTIONS**

Some Programming Partner organizations may rely on volunteer staff rather than hired staff. These volunteers may have legal immigration status, but either are not eligible for a work permit or are eligible but have not applied for their work permit. Currently, volunteering in these organizations does not require a work permit.

The proposed ordinance does not address the situations of U.S. citizens. Native-born U.S. citizens do not have an immigration status and do not need a work permit. Naturalized U.S. citizens do have an immigration status, but also do not need a work permit.

The proposed ordinance does not require the Programming Partner organization to provide the picture identification for staff and permanent volunteer coaches, only that they wear one. Such organizations may not currently have a system of picture identification for their staff or coaches.

The proposed ordinance does not limit the picture identification requirement to Programming Partner activities.

The proposed ordinance does not require temporary volunteer coaches and other volunteers with direct contact with program participants to display picture identification.